

REMARKS

In response to the Office Action mailed February 24, 2009, in connection with the above-identified application, claims 44 to 47 have been cancelled herein without prejudice. Applicants maintain the right to prosecute the cancelled claims in any related application claiming the benefit of priority of the subject application.

In response to the restriction requirement, Applicants elect Group I, amended claims 27 to 43, drawn to an antibody or functional fragment thereof that binds to at least one of low density lipoproteins (LDL) and oxidized LDL (oxLDL), for prosecution in the above-identified application. Applicants note that new claims 48 to 51, which depend from the elected Group I amended claims and are directed to the subject matter of the Group I elected claims, have been added.

The claim amendments are supported throughout the specification or were made to address formalities. In particular, the amendment reciting "an antibody or functional fragment thereof" is supported, for example, by originally filed claim 4, and at page 7, third paragraph, to page 8, second paragraph. The amendments to recite various percent identities (e.g., 75%, 80%, 85%, etc.) to SEQ ID NOs:1 or 3 are supported, for example, at page 9, second full paragraph. The amendments to claims 38 and 39 to delete reference to the nucleotide sequences of the CDRs was made in order to clarify that the claim recites amino acid sequences. The remaining amendments were made to improve grammar or clarity. Thus, as the claim amendments are supported by the specification or were made to address formalities no new matter has been added and entry thereof is respectfully requested.

Support for new claims 48 to 51 can be found throughout the Specification. In particular, claims 48 to 51 are supported, for example, at page 9, second full paragraph. Accordingly, claims 48 to 51 do not add new matter and entry thereof is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

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I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.